

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHAEL WELCH,

Plaintiff,

v.

STATE OF NEVADA, et. al.,

Defendant.

Case No. 2:11-cv-02111-MMD-VCF

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Cam Ferenbach (dkt. no. 26) ("Recommendation") recommending dismissal of Plaintiff's claims against Defendant Gail Hewlett. No objection to the Recommendation has been filed.


This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard

1 of review employed by the district court when reviewing a report and recommendation to
2 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
3 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting
4 the view that district courts are not required to review "any issue that is not the subject of
5 an objection."). Thus, if there is no objection to a magistrate judge's recommendation,
6 then the court may accept the recommendation without review. *See, e.g., Johnstone*,
7 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's
8 recommendation to which no objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
10 determine whether to adopt Magistrate Judge Ferenbach's Recommendation. Upon
11 reviewing the Recommendation and the records in this case, this Court finds good cause
12 to adopt the Magistrate Judge's Recommendation in full.

13 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Report and
14 Recommendation of Magistrate Judge Cam Ferenbach (dkt. no. 26) be accepted and
15 adopted in its entirety. Plaintiff's claims against Defendant Gail Hewlett shall be
16 dismissed with prejudice for failure to prosecute and for lack of federal jurisdiction. The
17 Clerk is directed to close this matter.

18 DATED THIS 12th day of September 2012.

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21 UNITED STATES DISTRICT JUDGE
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